IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3815 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KAJARIA EXPORTS LTD & 7 - Applicant(s)
Versus
UNION OF INDIA & 2 - Respondent(s)

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Appearance :

M/S TRIVEDI & GUPTA for Applicant(s) : 1 - 8.
MR HARIN P RAVAL for Respondent(s) : 1, 3,
MR SHAKEEL A QURESHI for Respondent(s) : 1, 3,
MR DIPEN DESAI, APP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 05/10/2007

ORAL JUDGMENT

1. In the present application, the applicants original accused have prayed for quashing of

criminal complaint no.2294/90 filed by the Assessing Collector of Customs, Kandla before the learned Chief Judicial Magistrate, Bhuj.

2. Upon perusal of the complaint, it is revealed that for certain consignment of import of goods, irregularities were detected. It is therefore, the case of the Customs Department that the applicants have committed offences punishable under Section 132 and 135 of the Customs Act. The above complaint therefore, came to be lodged by the department.

3. Having heard learned advocate Shri Thakker for the applicants, learned APP Shri Dipen Desai for the State and learned advocate Shri Shakeel Qureshi for the Union of India and having perused the material on record, it cannot be stated that the complaint does not prima facie disclose any offence at all. Bearing in mind the limited jurisdiction of this Court in seeking to quash the complaint at the threshold, when it is found that it cannot be stated that even if allegations contained in the complaint are taken on face value, no offence is disclosed and particularly, when no other technical defect is pointed out by the plaintiff for initiation of the proceedings, I do not find this is a fit case for quashing. Needles to say, all the defence of the applicants will be available at the trial and are kept open.

4. Subject to above observations, the application is disposed of. Rule is discharged. Interim relief is vacated.

(Akil Kureshi,J.)

(raghu)